

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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**DEC - 4 1996**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

**In the Matter of**

**Implementation of the  
Local Competition Provision  
of the Telecommunications Act of 1996**

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**CC Docket No. 96-98**

**DOCKET FILE COPY ORIGINAL**

**REPLY COMMENTS**

BellSouth Corporation, on behalf of its affiliated companies, and by counsel

("BellSouth"), files this reply to certain oppositions and comments filed in the referenced docket.

**I. THE COMMISSION SHOULD GRANT BELL SOUTH'S UNOPPOSED  
REQUESTS FOR CLARIFICATION OR RECONSIDERATION.**

**A. Waivers, Review of State Plans, NXX Warehousing**

No party opposed BellSouth's proposal that the Commission give effect to state orders that grant Bell operating company ("BOC") local exchange carriers ("LECs") a deferral, waiver or suspension of a BOC's obligation to implement dialing parity, and that the Commission delegate similar waiver authority to the Chief of the Common Carrier Bureau whenever a BOC can demonstrate that (1) it has scheduled implementation of 2-PIC or state prescribed multi-PIC methodology in a given central office by a date certain; and (2) that the original implementation date cannot be met due to a cause beyond the control of the BOC.<sup>1</sup> Similarly, no party expressly

<sup>1</sup> BellSouth Petition at 4. Notwithstanding its request that the Commission clarify that such waivers will be available, BellSouth urges the Commission to reconsider its determination that allowing end user customers to presubscribe all of their toll traffic to an alternative (non-BOC) carrier is inconsistent with the dialing parity requirements of the Telecommunications Act of (Continued...)

opposed BellSouth's suggestion that BOC LECs should comply with the dialing parity requirements of the 1996 Act, the Commission's Second Order, and any applicable State requirements without having to undergo an open-ended federal review process.<sup>2</sup> Accordingly, the Commission should grant these aspects of BellSouth's petition.

BellSouth further demonstrated in its petition that there is no evidence in the record that "incumbent LECs have an advantage over new entrants when a new code is about to be introduced, because they can warehouse NXXs in the old NPA."<sup>3</sup> No party in this proceeding has opposed BellSouth's request, nor has any party offered any evidence that incumbent LECs ("ILECs") are able to warehouse NXXs in the old NPA.<sup>4</sup> BellSouth and other ILECs cannot "warehouse NXXs" in the old NPA any more than a new entrant could. All NXX's assignments are made according to the industry-approved Central Office Code Assignment Guidelines, and these guidelines contain procedures for preventing unnecessary NXX code assignments. In light of the complete lack of record support for the Commission's statement, it must be reconsidered and withdrawn.

## **B. Code Opening Fees**

BellSouth requested clarification from the Commission that its determination with regard to code opening fees was not meant to preclude the recovery of costs incurred by LECs on behalf

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1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) ("1996 Act"), 47 U.S.C. §§153 (15), 251(b)(3), 271(e)(2)(a). BellSouth Petition at 2-3.

<sup>2</sup> BellSouth Petition at 5-6. As noted below at n.15, TRA's generalized invocation of "BellSouth," among other carriers, and a citation to the pages of BellSouth's Petition that contain two arguments, does not constitute any meaningful opposition to BellSouth's proposal.

<sup>3</sup> BellSouth Petition at 7. The Commission's statement is found at paragraph 289 of the Second Order.

<sup>4</sup> U S WEST supports BellSouth's request. U S WEST Response at n.11.

of their customers for ongoing maintenance of numbering information in the Routing Data Base System (“RDBS”) and the Bellcore Rating Input Database System (“BRIDS”), as well as for Administrative Operating Company Number (“AOCN”) responsibilities assumed by LECs at the request of other carriers.<sup>5</sup> It appears that no party affirmatively opposed BellSouth’s request, and that the request received support in the record.<sup>6</sup> A number of comments support AT&T’s request “that the Commission provide some additional guidance as to the ‘reasonableness’ of NXX code assignment fees”<sup>7</sup> Because these comments, and AT&T’s petition, appear to confuse the functions and fees relating to “code assignment/administration” “industry notification” and “code openings” functions, BellSouth takes this opportunity to describe these functions.<sup>8</sup>

Code administration (or code assignment) costs are incurred by NXX code administrators. These costs are incurred as code administrators receive NXX code request forms, review the forms, process the request in the context of the Central Office Code Assignment Guidelines, and either assign an available NXX code to an applicant or make a different disposition of the application in accordance with the Guidelines. NXX code administrators also incur costs in developing numbering plan area (“NPA”) relief plans in order to assure the supply of NXX codes to all applicants.<sup>9</sup> These functions, originally performed by AT&T, were assigned to the dominant

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<sup>5</sup> BellSouth Petition at 9.

<sup>6</sup> See Arch Communications Group Comments at 1 (“Arch does not quarrel with BellSouth’s position as a general matter...”); U S WEST Response at 9 (concurring with BellSouth).

<sup>7</sup> AT&T Petition for Limited Reconsideration and Clarification at 11.

<sup>8</sup> There are three main processes relating to a telecommunications carrier obtaining working central office (“NXX”) codes: (1) code administration (or “assignment”) functions; (2) industry notification functions; and (3) code opening functions. Each of these processes involves different activities that involve different costs. The Commission’s order speaks to two of these processes, code assignment and code opening, but not to industry notification.

<sup>9</sup> U S WEST Response at 10.

LEC within each NPA upon AT&T's divestiture and will most likely be assumed by a neutral third party administrator beginning July 31, 1997.<sup>10</sup> The costs incurred by code administrators are clearly recoverable: the 1996 Act provides that the cost of number administration shall be borne by all carriers on a competitively neutral basis, and the Commission has determined that incumbent LECs may charge carriers fees for NXX code assignment as long as one uniform fee is charged for all carriers, including itself or its affiliates.<sup>11</sup>

Industry notification functions are the processes by which the Bellcore-Traffic Routing Administration ("TRA") databases (BRIDS and/or RDBS) are updated to reflect 0/1XX and NXX code activity, switching entity activity, and the like. The BRIDS products are used by the industry for toll message rating purposes, and the RDBS products are used for routing purposes to activate or modify codes in the nationwide Public Switched Telephone Network ("PSTN"). These processes involve data entry into BRIDS and RDBS to establish and maintain records for 0/1XX and NXX codes, switching entities, Rate Centers, Localities, Revenue Accounting Offices, Business Offices, and Special Calling Cards. Carriers who are assigned NXX codes may perform the BRIDS/RDBS data entry function themselves, or they may negotiate with another company to perform this function on their behalf, e.g., a consultant, another carrier, or an NXX code administrator.<sup>12</sup> Whoever performs the data entry or "industry notification" function (whether the

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<sup>10</sup> See, generally, In the Matter of Administration of the North American Number Plan, Report and Order, 11 FCC Rcd 2588 (July 13, 1995).

<sup>11</sup> 1996 Act, 47 U.S.C. §251(e)(2), Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, FCC 96-333 ¶¶ 332 (Aug. 8, 1996) ("Second Order").

<sup>12</sup> AT&T appears to describe this function as part of "code opening" charges. AT&T Petition at 11. Comments in support of AT&T appear to further blur the distinction between "code opening" and "code administration" processes; the industry notification processes are not a part of either (Continued...)

company to whom the NXX code is assigned or a third party acting on behalf of that company) becomes the AOCN company for the purpose of receiving annual recurring “per records” charges from the Bellcore - TRA for records resident in the BRIDS and RDBS databases.

Finally, after each carrier in the PTSN who subscribes to the BRIDS and/or RDBS products receives notification of new or modified NXX code information, each affected carrier performs the “code opening” functions to properly activate, or route, the codes within their own network. Depending upon the carrier, the affected code, and the code use, a code may be “opened” in systems ranging from a single private branch exchange (“PBX”) or coin telephone to a host of switches in an ILEC, CLEC, or interexchange carrier network. The Commission has determined that any fees charged by ILECs for opening NXX codes must not be unjust, discriminatory, or unreasonable.<sup>13</sup> BellSouth has advised the Commission that it does not intend to charge other carriers fees for the costs that BellSouth incurs in modifying its own network to recognize new or modified NXX data.<sup>14</sup> ILECs that so choose, however, are subject to the rule set forth in the Second Order.

## **II. THE COMMISSION SHOULD GRANT THOSE ASPECTS OF BELL SOUTH’S PETITION THAT ARE OPPOSED.**

### **A. Cross Boundary Dialing**

AT&T, MCI and Sprint oppose BellSouth’s request for clarification of the Commission’s rule, adopted in the *Second Order*, which states that when a single LATA covers more than one

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function. See, e.g., Teleport Consolidated Comments and Opposition at 11; AirTouch Comments at 12-14.

<sup>13</sup> Second Order at ¶ 333.

<sup>14</sup> BellSouth Petition at 9.

state, the LEC shall use the implementation procedures that each state has approved for the LEC within the state's borders.<sup>15</sup> In its original petition, BellSouth requested Commission clarification in two scenarios: (A) customers within an implementing state's boundaries, but within an adjoining state's LATA, would not be required to be converted until the adjoining state implements intraLATA presubscription; and (B) customers located in an implementing state's LATA, but located in an adjoining state, would not be required to be converted until the adjoining state implements intraLATA presubscription.<sup>16</sup> BellSouth's proposal was meant to apply in extremely limited circumstances where a switch is supported, billed, and controlled out of state which has not implemented dialing parity but is physically located either (1) within a state that has implemented dialing parity, or (2) within the LATA of a state that has implemented dialing parity.

As illustration, BellSouth has one switch physically located in Rossville, Georgia but is located in a Tennessee LATA and is supported, controlled, maintained and billed out of BellSouth's network organization in Tennessee. Georgia has implemented intraLATA toll dialing parity, and all service order and billing systems within Georgia have been converted to support intraLATA pre-subscription. Tennessee has not yet adopted intraLATA toll dialing parity, and consequently none of BellSouth's service order and billing systems within Tennessee have been converted. However, providing the single Rossville, Georgia switch that is controlled and billed out of Tennessee with intraLATA 1+ presubscription capability would first require BellSouth's

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<sup>15</sup> AT&T Opposition at 10-11; MCI Opposition and Comments at 5; Sprint Comments at 5. TRA cites to pages 5 and 6 of BellSouth's Petition for proposition that "BellSouth, GTE, SBC and USTA all seek to delay or otherwise hinder the full deployment of dialing parity," but does not indicate whether it opposes BellSouth's request for clarification of the Commission's cross-boundary rule on page 6 of the Petition or BellSouth's request at pages 5 and 6 of its Petition that the Commission eliminate unnecessary regulatory delays in implementing dialing parity.

<sup>16</sup> BellSouth Petition at 6

converting the entire state of Tennessee's billing system and service order support system. In order for BellSouth to recover these costs, incurred statewide in Tennessee, they would have to be entered in Georgia's 1+ presubscription cost recovery proceeding, for which there has already issued a cost recovery order.

BellSouth has two switches in Phenix City, Alabama, which are located in a Georgia LATA, but are controlled, supported, maintained and billed out of the state of Alabama. Unlike Georgia, Alabama has not yet ordered intraLATA 1+ presubscription. Although the Phenix City switches are located in a Georgia LATA for which intraLATA presubscription is being provided in the state of Georgia, converting these switches pursuant to Georgia's plan would also necessitate BellSouth's converting the entire state of Alabama's service order system and billing system in order to support these switches. In order for BellSouth to recover these costs, incurred statewide in Alabama for switches physically located in Alabama, the costs would have to be entered in Georgia's 1+ presubscription cost recovery proceeding, for which there has already issued a cost recovery order.

It is not BellSouth's intent to delay the implementation of interstate intraLATA toll dialing parity except in the cases, such as those outlined above, where it is economically infeasible to convert a switch within an implementing state's boundary because that switch is supported, controlled, maintained and billed out of a state where dialing parity has not been implemented. Further, where "out-of-state, in-LATA" switches are supported, controlled, maintained and billed by the state which has not implemented dialing parity, the same economic justification exists to delay conversion until intraLATA presubscription is ordered in that state. SBC has proposed that

the state where dialtone is provided should control when toll dialing parity is implemented.<sup>15</sup>

BellSouth concurs with this proposal provided that the location of dialtone is determined with reference to the Common Language Location Identifier (“CLLI”) code applicable to each switch on a switch by switch basis.

#### **B. Number Administration Cost Recovery**

A number of parties oppose the request of BellSouth and others that the Commission reconsider its gross revenues less payments to other carriers determination with respect to number administration cost recovery.<sup>17</sup> Unfortunately, the Commission adopted a standard in its Second Order that is not competitively neutral and discriminates against facilities-based carriers (whether ILECs or new entrants), who, as NYNEX points out, may not be able to pass on numbering costs to resellers.<sup>16</sup> In its petition for reconsideration, SBC has advanced a proposal, based on “elemental access lines,” that can be consistently applied as a competitively neutral cost allocator to both the costs of number administration and number portability. The Commission should adopt SBC’s proposal. In the alternative, it should, for the reasons set forth by USTA, Ameritech, and NYNEX, adopt a total retail telecommunications revenue standard.

#### **C. Overlay Code Assignments & Number Portability**

A new entrant is free at any time to request one or more NXX codes within any NPA pursuant to the Central Office Code Assignment. Although the Commission’s requirement for the assignment of one NXX to all eligible new entrants when an NPA overlay is implemented is a

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<sup>15</sup> SBC Petition at 9; Sprint Comments at 5.

<sup>17</sup> AT&T Comments at 16-17. See also Sprint Comments at 8-9, MCI Comments at 7; TRA at 5-10; MFS at 8-10; NCTA at 6-7.

<sup>16</sup> NYNEX Petition at 2-5.



distinct and separate process from the normal NXX assignment process, the Commission's mandatory assignment requirement will not only lead to uncertainty and problems in the NPA relief planning process, but will negatively impact the normal availability of NXX codes. It will likely cause code administrators to reserve NXX codes in advance in order to meet this requirement, even though it may not even be possible to accurately estimate the number of NXXs that will need to be reserved for all authorized local service providers. If the Commission does not eliminate this requirement, it should at least clarify that the mandatory assignment does not apply to local service providers that already have one or more NXX codes in the exhausting NPA.

The oppositions filed by wireless carriers raise serious concerns that requiring implementation of long-term database number portability ("LNP") prior to use of an overlay in relief of an exhausting NPA would disadvantage wireless carriers as a class. BellSouth agrees with PageNet<sup>17</sup> that problems associated with overlays are best overcome through educational efforts. Accordingly, the oppositions in this proceeding have raised no new issues that require the Commission to reconsider its prior determination not to require LNP prior to implementing an overlay.

### **III. ONLY NEW CUSTOMERS ARE REQUIRED TO BE POLLED WITH RESPECT TO THE SELECTION OF AN INTRALATA TOLL CARRIER.**

BellSouth has been unable to discern any opposition to the petitions of GTE, SBC and USTA with respect to their request for clarification that existing customers are not required, under the rules adopted in connection with the Second Order, to be individually queried with

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<sup>17</sup> PageNet Opposition and Comments at 6.

respect to their choice of intraLATA toll carriers. Indeed, LECs and interexchange carriers alike appear to interpret the rule in the same manner.<sup>18</sup>

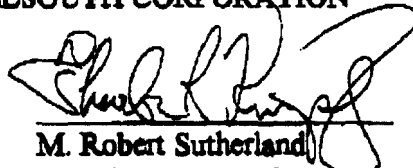
### CONCLUSION

For the foregoing reasons, BellSouth respectfully requests that the Commission grant the relief requested in BellSouth's Petition for Clarification or Reconsideration and Consolidated Opposition and Comments filed herein.

Respectfully submitted,

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Date: December 4, 1996

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<sup>18</sup> See MCI Comments at 5 ("the clear import of the Commission's framework is that existing customers will be informed of choices in accordance with rules adopted by the state commissions, but will remain with their current intraLATA toll provider until they indicate otherwise."); Sprint Comments at 6.

**CERTIFICATE OF SERVICE**  
**(CC Docket No. 96-98)**

I hereby certify that I have this 4th day of December, 1996 served the following parties to this action with a copy of the foregoing **REPLY COMMENTS** by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties on the attached service list.

  
Sheila Bonner

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